

**TOWN OF ALTON
ALTON PLANNING BOARD
ZONING ORDINANCE WORKSHOP**

**December 17, 2009
APPROVED 12-29-09**

Members Present: William Curtin, Chair
Scott Williams, Clerk
Thomas Hoopes
David Hussey

Others Present: Stacey Ames, Planning Assistant

I. CALL TO ORDER

William Curtin, Chair, called the meeting to order at 5:05 p.m.

II. APPROVAL OF MINUTES

While S. Ames was getting members copies of the December 10, 2009 minutes, T. Hoopes asked other members about the statement “no excavation shall be permitted so close to the seasonal high water table or to bedrock as indicated by the required borings or test pits as would preclude the subsequent reuse of the site in accordance with existing public health standards, local zoning...” That to him is prime; why waste a piece of land. S. Williams explained that it used to be four feet, now it is three feet. T. Hoopes asked if it is a different thing if it is on top of an aquifer; S. Williams said anywhere you put footings in there you’re going to be in the water table. S. Williams asked if any test pits had been done over there (Water Industries).

December 10, 2009

In the heading, the date is incorrect. It should be December 10, 2009, not December 8, 2009.

On Page 5, where it says “D. Hussey stated that whatever happens, takes are going to be raised,” should be “taxes” instead of “takes”.

D. Hussey asked for an explanation of the word “charette.” T. Hoopes explained that it is a circular charette where different people get together and form a working plan to formulate important changes, such as changes in zoning.

D. Hussey made a motion to accept the minutes of December 10, 2009 as amended. W. Curtin seconded the motion, which passed unanimously.

December 14, 2009

T. Hoopes made a motion to accept the minutes of December 14, 2009, as presented. S. Williams seconded the motion which passed by unanimous vote.

III. DISCUSSION

D. Hussey asked about the changes to the Site Plan Regulations. According to S. Ames, they are ready. W. Curtin asked if the lighting ordinance should go in there. S. Ames answered that it should; they can do that just by posting it on an agenda. Changes in regulations do not have to go to public meeting. They can accept it now as it is, then change it at public meeting. S. Ames can put it on the agenda for the next public meeting; then they can make a motion to adopt the lighting ordinance into the Site Plan Regulations.

D. Hussey made a motion to accept the new site plan regulations as drawn up. S. Williams seconded the motion, which passed by unanimous vote.

S. Williams asked if Mr. Varney would be in at this meeting. At that time S. Ames thought he would not.

D. Hussey has spoken to Mr. Sessler about the sexually oriented business ordinance; he says it could never be defended in court because it is too restrictive.

EXCAVATION

W. Curtin thought C. Balcius and a couple of people from the state were going to get together and work out some details. It is possible this will not happen this year.

At this time it looks like the Sexually Oriented Business Ordinance and possibly something to do with zoning area designations might be the only warrants on the ballot. Mr. Sessler is looking into what can and can't be done with the zoning; W. Curtin has sent him information concerning the areas they are discussing. T. Hoopes voiced his concern about proceeding with this because there has not been a charette and information has not been gathered. W. Curtin answered that they are not looking at changing that to a commercial zone, but to extending the RC zone, they can do it. T. Hoopes argued strongly against this; he thought they were going to put this off and talk about it in a charette, where they can have maps out that show the areas they can't use.

Members disagreed saying that it is not up to them to govern what the state and federal wetlands people will decide. D. Hussey stated that anybody that goes out there to do a business is still going to have to come before the Planning Board and still be told what they can do. T. Hoopes asked if this would be like he told them the other night.

Discussion became heated and loud. D. Hussey asked if they were going to get into a pissing contest here. He asked T. Hoopes if he was going to talk reasonable with them. T. Hoopes said he would talk reasonable with anybody. D. Hussey said he was not talking reasonable, and he did not talk reasonable to this guy the other night, and he (D. Hussey) pretty much did not like it. T. Hoopes answered that he didn't care whether he liked it or not, he was talking about... D. Hussey told T. Hoopes that was good, to bring more to him because he wanted to hear his mouth. T. Hoopes said he was talking about the town requirements and regulations, and D. Hussey was talking about what he liked. D. Hussey said that T. Hoopes was talking about what he wants; he does every time. It's what he has around his house; he makes sure he gets stuff around it, and to not even go there. T. Hoopes said that was not true; D. Hussey said it was true, and to not even go

there. T. Hoopes asked D. Hussey if he thought he know something. D. Hussey answered that he knew more than he (T. Hoopes) does. T. Hoopes answered that he guessed he (D. Hussey) did. D. Hussey said that he does not like to be told he is an idiot in public by him (T. Hoopes), and he has it on tape and he will never forget it and he will keep it until he needs it. He told T. Hoopes that was enough from him. T. Hoopes said no; he is sorry, but they have a responsibility to fulfill. D. Hussey said he was right; when they come in front of us, they need to give lands that people can go there and get something. Then it is up to them (the Board) to make sure they do it by the regulations. But, after years and years of doing nothing, they are into an area that they are backed up against the wall now that they're going to have to sit back and do nothing. They can't just do nothing. It's going to take eighteen months to go down to all the different lands, identify everything he (T. Hoopes) wants to identify, when the people themselves can do the engineering. They can bring it to us (the Board) and show us, and they look at it and say that makes sense, or that doesn't make sense. That's all he has to say about that.

From here going forward, discussion was calm.

S. Williams stated that he also thought the way Mr. Bahre was treated the other night by T. Hoopes was out of line. He (T. Hoopes) is certainly entitled to his opinion on how he sees things, but to challenge the man in the manner he was treated was a little out of line. T. Hoopes asked S. Williams if he has walked that piece of property and looked at it. S. Williams said he has not walked it, but he sees what is there. They said that the permits are imminent any day. If they have the state permits, who are we (the Board) to say no. T. Hoopes said that the requirement they have on the amount of space that can be occupied on a site; what is considered overdevelopment of a site. If a percentage of the site is completely consumed, the only thing that is left is total wetland, and they're filling most of the wetland anyway. S. Williams said he was not going to argue the point; his (T. Hoopes) point is his point, and that's fine. T. Hoopes said it is not whether it is something you want in town or not. S. Williams said his point is that the manner in which T. Hoopes addressed Mr. Bahre was out of line. T. Hoopes said he was addressing the engineers because the engineers are the ones he feels are making a mistake in this particular case. D. Hussey said that by addressing them (the engineers), T. Hoopes was addressing Mr. Bahre, too because he is the one bringing it in front of the Board. T. Hoopes said he was sorry; he spoke what he believed to be in the regulations. D. Hussey said it was in a demeaning way. T. Hoopes said he thinks it is an insulting application. D. Hussey said that they are here to help people facilitate and work with them, not insult them. T. Hoopes said they are here to enforce the existing regulations that the town has; that is their job. D. Hussey answered and not to insult people; they are not here to insult people. He would have been better off if he had said how do we go around this, how do we look at it and stuff like that instead of this is the stupidest application I ever saw. He (T. Hoopes) went on and on and on. That is not how to meet with the public. T. Hoopes said they were talking about a design review. He thinks that from what they were told the first time around, that they were having a maximum development of their site. They see a new application coming back that is a whole new design. The original design said no further impact on the wetland. No concern is being looked at from what is actually there and what the property is made up of. It's how appropriate is the site, not what somebody wants to do.

S. Williams said that times change. They dealt with one up on 11-D just the other day. All that could fit there was a two bedroom septic system. Times changed and it allowed a three bedroom system. Technologies change which allow things to evolve in a different way then they used to be able to. T. Hoopes said that not all land is developable. W. Curtin said evidently it is; they're

getting permits. D. Hussey said they have the federal and the state looking at it. S. Williams said they've walked it and they are more professional than the Board is.

T. Hoopes said he could not support a change in the zones for that extensive a change. D. Hussey said that he thinks they have to give people who want to come in with clean businesses a way of doing it. The only way to do it now is to open up a zone they can come to and then bring it in front of the Board to see if it fits, not for the Board to go identify areas they can go into in a year and a half or two years when the economy has gone by and they're behind the eight ball again and they can't afford anything in town. They're going to get the same thing from anybody coming to them in those chairs; bringing them engineering, bringing them wetland maps, bringing them everything as they are going to get in the next eighteen months. In fact, they are going to get more extensive work because the town doesn't have time to go out there and map out wetlands and the different areas. They can put it onto the applicant; that makes more sense to him.

T. Hoopes said they already have maps of all the wetlands. D. Hussey said they are probably not up to date maps because a lot of laws have changed. S. Williams asked why, if they have all the maps, they have to hire wetland scientists to go out and map a lot every time. T. Hoopes said they are planning ones; Nancy Rendell did all the wetlands after the Bush change in the definition of wetland. They redid them. D. Hussey said things are changing; they had heard Cindy say the other day things are changing again in April. T. Hoopes said the regulations change; the soils don't. D. Hussey said the soils for the regulations change. S. Williams said the state put a price tag on it and he thinks they undermined themselves to the nth degree by saying last year you had to go recreate this thing and if you didn't do it, they put handcuffs on you. Now, it's okay, just send a check. S. Williams asked T. Hoopes if he agrees. T. Hoopes said he does not; basically what it is you want to impact wetlands, you write a check. There are some wetlands you do not want to impact; they're too critical. S. Williams asked if the Feds and the state wouldn't be better at determining that than the Board. T. Hoopes said he would hope so, but they don't always know the specifics of drainage of a whole area. S. Williams asked if the Board does. T. Hoopes replied that they know some of them.

D. Hussey said he thought it was up to the Board to have experts tell them what is going on, not just them thinking what might be there and what isn't. That's what they're supposed to go by; they hire engineers for that. To him, if they don't do something about the commercial zone, they're going to get left behind. W. Curtin said you get the engineer looking at the soils and wanting to put something there; the area is pretty much full of water. The engineer does a test and decides there is no problem with it. T. Hoopes said you could look at something strictly from the point of engineering. It is possible to put to build a road and a dam and a bridge across Winnepesaukee? Yes, but is it desirable? Not necessarily. W. Curtin asked in whose eyes? T. Hoopes said that the impact on the lake has to be considered too. There are a lot of impacts that people are not considering.

T. Hoopes told D. Hussey to go ahead and make his motion. He certainly is not going to support it at any public hearing. He thinks it is a mistake to do it that fast without proper planning. D. Hussey asked why they haven't done anything in six years. At least this is taking a step forward. S. Williams said it has been longer than six years. T. Hoopes said they have been looking at a lot of things in the last six years; in the last two years is the first time it slowed down. They used to have meetings twice a month just to begin to cover the business; just the planning board meeting. D. Hussey reiterated that he personally thinks something has to be done, and he thinks they can

still do the same thing even if people come in to them and want to start a business. W. Curtin said that his concern in changing from Residential Commercial to Commercial is what it is going to do to the existing businesses in town. Unfortunately, growth happens. D. Hussey said they have just run out of space. S. Williams said that business creates business; car dealerships are on the same street. Ed Constantino when he owned the store, he was deathly afraid of Wal-Mart opening up, and his business increased. D. Hussey pointed out Hannaford's and the Circle; the Circle has increased. S. Williams added that the business there (Hannaford) is more than they ever anticipated. As soon as this thing goes through, they will be back for an expansion on that store. He has said in this meeting before that the next thing is that Hannaford is going to be looking for another site. D. Hussey agreed. W. Curtin recalled saying when they were looking for the 10,000 square foot building that they could put a 10,000 square foot anything in there and it will be busy. T. Hoopes said you can't put a 10,000 square foot building onto a 5,000 square foot area. Board members said they all realized that first proposal had some problems. They realized it too; that is why they never came back. T. Hoopes said they were looking for a magic store owner.

S. Williams asked what they could do to get Mr. Sessler moving on something like this. W. Curtin said he believes he is looking into in now. S. Williams asked if he needed some direction from the Board. D. Hussey said they would have to make a motion that he comes up with something. W. Curtin asked when they have to put it before the public. S. Ames said by January 5. W. Curtin asked if there was a public one on the 28th. S. Ames said she had changed that to another workshop and booted everything back a week because so much is still up in the air.

D. Hussey made a motion to have Mr. Sessler explore and have something in front of them at the meeting on December 28th. No second; motion failed.

T. Hoopes said he is not sure if it has to be for the vote or for the hearing that you have to have the bounds and measurements and everything else. D. Hussey agreed. S. Williams said the lot numbers would do all that. He suggested that D. Hussey add the area he is thinking about to the motion. D. Hussey said he thinks they are going to have to sit down again and define that area and have Sessler with them to do that. He doesn't know if they want to meet with Sessler. W. Curtin said he has already done that. W. Curtin explained that it is from New Durham Road to the New Durham town line on the east side anything that touched Route 11. He wrote the map number down and all the lot numbers, to follow the property lines. He mentioned Route 11 and from New Durham back to the Alton Traffic Circle. D. Hussey confirmed that it is only Route 11 they are talking about, on the left side only. There isn't a lot of wetland through there except near the Circle. W. Curtin said that on the right there are only six lots then you get down to the campground and you're going to have to deal with the Shoreland Protection Act because the river is part of that.

There was discussion concerning where accesses are. T. Hoopes and S. Williams discussed where the access is. S. Williams said he would not worry about the access situation because the applicant will grease the palms of the state and they'll have a road access. T. Hoopes said he hoped S. Williams was wrong.

D. Hussey made a motion that they ask Mr. Sessler to look at expanding the RR zone to RC from Tax Map 9, New Durham Town Line to New Durham Road, to the Circle, which lot seventeen is at the New Durham town line and lot fifty-seven is at the intersection of Route 11 and New Durham Road. This is currently zoned RR to be expanded to RC, residential

commercial. S. Williams seconded the motion. Motion passed with three votes in favor (D. Hussey, S. Williams, W. Curtin) and one opposed (T. Hoopes).

W. Curtin said Mr. Sessler would be looking into that; he doesn't know if he will get it done tomorrow because he has quite a bit of stuff to do. He is reviewing the sexually oriented business ordinance; he has not yet returned an answer. Mr. Sessler is also working on the lighting ordinance; he has gotten back in touch with S. Ames about that.

There was further discussion concerning the public hearing, which needs to be posted. S. Williams said that Mr. Sessler said that if they go forward with this and put it on the ballot and there are people who are opposed, if they do sign something it has to win by two thirds instead of a normal one. D. Hussey said that the bottom line is that if the people don't want to do it, they don't want to do it. The reason they have to do it is because they have to start generating some money in town. They can't just be paying it by bedrooms. Bedrooms are a no win situation. The guys on the CIP know how far behind things are. There was further discussion concerning getting access cuts off Route 11 or New Durham Road. W. Curtin asked what if someone wanted to go in on the east side of New Durham Road with some kind of manufacturing. T. Hoopes said that is no problem; you want to have your development off the side road than the main road. You want your main road for transportation. Access roads were discussed; T. Hoopes cited the development going down Route 11 toward Rochester. Traffic lights are going to continue to pop up on Route 11 between here and Rochester. T. Hoopes spoke out against strip development. This is a circle community; development starts there and goes out. There was more discussion concerning how property values will increase. W. Curtin said that people coming into town may be offended by the development, but once they get into town, it is still a small rural community.

S. Williams said he is glad someone like Mr. Bahre wants to invest in the community because the town needs to create jobs for the people. The prime job of the board is to help the people of Alton and help protect the tax base. Alton can't be a bedroom town. During this discussion, D. Hussey expressed that he was sorry he and T. Hoopes had words earlier.

The issue of taxes was discussed. There was discussion of expanding the tax base with commercial interests. Comparisons were made with surrounding towns. Impact fees and how they might be applied to commercial properties were discussed.

EXCAVATION

The excavation ordinance was discussed. It was decided that this will go on the back burner until next year. S. Williams feels that it really affects a very small number of people; there are not huge gravel deposits in town. It should be looked at and done right for next year.

ELDERLY HOUSING

Grammatical clean up should be done on this ordinance. On page 23, number 3, reads "No structure shall contain more than four dwelling units with no more than two bedrooms per dwelling unit." What it should say is "No structure shall contain more than **three** dwelling units with no more than two bedrooms per dwelling unit." On the same page, number 4 reads "Overall density of elderly housing developments shall not exceed three dwelling units..." It needs to say "...three dwelling **structures** per acre, excluding wetlands and steep slopes." S. Williams

confirmed that this would be nine dwelling units per acre. W. Curtin asked to add roadways to the exclusions, so it would read "...excluding wetlands, steep slopes, and roadways." This addition was discussed.

T. Hoopes made a motion to accept the changes to the Elderly Housing Ordinance. D. Hussey seconded the motion, which passed unanimously.

MULTI-FAMILY HOUSING

On Page 42, number 2 reads "Duplexes and multi-family dwellings must have a minimum of one acre per unit..." It really needs to say "...one acre per **structure**, with no more than five dwelling units per structure to comply with the July, 2009 implementation of Workforce Housing..." Also, remove the sentence that reads "And no more than one duplex or multi-family dwelling per lot." W. Curtin asked if that number has to stay at five. S. Ames said yes because that is the only place where they implemented the five units for workforce housing. They have to allow a minimum of five. She attended a recent conference; the state is working on this again because five is really not cost effective because with that number you are looking a fire walls, etc. They are considering a reduction in the number of units to three. Leave it the way it is until the state change comes through. S. Williams asked if they could define the words "unit" and "structure" in the definitions. S. Ames has done that; she gave the definitions she has done. A structure is anything constructed or erected or attached to a fixed location on the ground. S. Williams asked to add "...and containing one or more units." There was further discussion concerning the difference between a structure, a dwelling structure, a unit, and a dwelling unit. S. Ames will work on the language of these.

T. Hoopes made a motion to accept the changes to the Multi-Family Housing Ordinance. W. Curtin seconded the motion, which passed by unanimous vote.

IV. CONTINUED

Case P09-19 Paul Beckett	Map 12, Lot 17	Subdivision Route 28 North
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Application submitted by Tom Varney of Varney Engineering LLC on behalf of applicant Paul Beckett for a proposed eight lot subdivision with frontage on Route 28 and a new road, "Hilltop Drive". This parcel is located in the Rural Residential zone.

Tom Varney came to the table.

T. Varney changed some of the numbers on his road cost spreadsheet; he changed the ledge and paving numbers at the request of Mr. Julia. S. Williams commented that this looks more in line.

W. Curtin stated that Mr. Varney is looking for two different waivers. One is on the primary lot, which is lot 17 (does not meet the 3:1 lot size ratio), and the other is for lot 17-6 (also does not meet the 3:1 ratio). S. Williams asked if those are both as a result of the vernal pool; T. Varney answered that they are.

S. Williams made a motion to accept the waivers as presented. D. Hussey seconded the motion, which passed by unanimous vote.

S. Williams asked T. Varney if there was anything else; T. Varney answered that all of the other corrections are things he can do on the plans in a matter of minutes.

Board members discussed the conditions of approval. Page 14 should be recorded because it shows everything on one sheet. The vernal pool should be marked twenty five feet out with stakes and ribbons. No lot is to be transferred before utilities and monumentation are in place. Bonding or letter of credit is based on the road estimate and approved by the engineer. Procedure for the road name was discussed. Bond amounts shall be approved by the town engineer and placed in escrow or irrevocable letter of credit with the town as its agent. No lots to be transferred before utilities and monumentation. Protective covenants, association documentation or legal documents are to be reviewed and approved by town counsel and recorded at the Belknap County Registry of Deeds. Language of irrevocable letter of credit shall be approved by the town counsel.

T. Hoopes made a motion to conditionally approve Case P09-19 with the following conditions:

- 1. The applicant shall comply with all of the Town of Alton's Subdivision and Site Plan Regulations.**
- 2. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing.**
- 3. A note shall be added to the plat prior to plan signing stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 4. All "To Be Set" (TBS) notes shall be removed and all monumentation shall be set prior to plan signing.**
- 5. A note shall be added to the plat prior to plan signing stating the total acreage of each Current Use Category for each lot where applicable.**
- 6. The following note shall be added to the plat prior to plan signing: This subdivision plan contains a total of fifteen sheets, which in its entirety constitutes the subdivision plan as approved by the Town of Alton Planning Board. Sheets numbered 2, 3 and 14 are recorded in the Belknap County Registry of Deeds; the remaining sheets are on file at the Town of Alton Planning Department.**
- 7. The following note shall be added to the plat prior to plan signing: This subdivision plan is subject to the Conditions of Approval itemized in the December 17, 2009 Notice of Decision on file at the Town of Alton Planning Department.**

- 8. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 9. All roadway names shall be approved by the 911 committee and roadway name approvals shall be provided to the Planning Department.**
- 10. Cash bonding or irrevocable letter of credit shall be approved by the Town Engineer and held in escrow by the Town of Alton as its agent, and approved by the Town Counsel.**
- 11. No lots to be transferred before utilities are completed.**
- 12. The vernal pool is to be staked with ribbons twenty-five feet out.**
- 13. Protective covenants and legal documents are to be approved by town counsel and recorded at the Belknap Registry of Deeds.**
- 14. Expiration date is December 31, 2010.**

S. Williams seconded the motion, which passed by unanimous vote.

IV. ADJOURNMENT

D. Hussey made a motion to adjourn; motion was seconded by S. Williams and passed unanimously.

Meeting adjourned at 6:35 p.m.

Respectfully submitted,

Mary Tetreau
Recorder, Workshop Session